

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of)

Carriage of the Transmissions)
of Digital Television Broadcast Stations)

Amendments to Part 76)

CS Docket No. 98-120

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Comments on behalf of Polar Broadcasting Inc. (Polar), Licensee of three Low Power Television (LPTV) Stations, (K30BI San Francisco-Oakland-San Jose, CA; K33DJ Salinas Monterey, CA; and K23ES Sacramento, CA).

Since the Commission first proposed HDTV (DTV), Polar has commented on the planning and implementation of this new technology and has raised issues relating to the Request for Comments as a major concern prior to the Commission jumping into the DTV quagmire. In response to the ten items at issue, Polar responds as follows:

1. DTV broadcast and cable have to be seamlessly compatible or there will be a breakdown in uniformity in the market place based primarily on social economic status. Polar suffers under this because its LPTV's are not on cable. We would not wish being blocked out of cable on anyone. This will create a second class viewer within the market place if DTV is not carried in must-carry.
2. Cable is going to be a substantial player in the roll-out of DTV. As an example, since cable subscribership in our area is 68%, the DTV signal of a broadcast station must be included on cable. The question is when and how.

When cable must-carry was implemented, many broadcast stations negotiated a second channel on cable systems since most of the cable systems were not willing to pay retransmission fees. Many of the major networks joined with the network affiliates to do a blanket agreement for retransmission. In reality the second channel is already there, it's being called something else. Therefore, utilize these second channels and the need for additional channels would not be necessary.

To implement must-carry, the Commission should set minimum number of hours of operation and local production. Such as three hours a week of locally produced programming. In the top 25 markets, the minimum hours of operation should be 18 hours a day. In markets 26-50, the minimum hours should be 12 hours a day. In markets 51 and greater, 10 hours a day.

Since cable is in over 50% of the homes in the country, in order to drive the implementation of DTV, 50% of the premium channels on cable should be phased over to DTV in conjunction with the broadcast stations in each market to encourage the public's transition to DTV.

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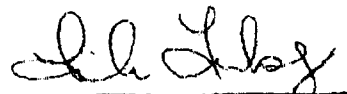
3. Smaller cable systems should be allowed to compress the PEG channels into two combined channels, one DTV and the other NTSC. Most PEG channels are not effectively utilized, with much of the material repeated for hours or days.

Cable systems with less than 30 channels should be required to convert 10% of their channels to DTV after 50% of the broadcasters on the system (in the area) are programming minimum hours.
4. Along with DTV comes the expectation of better quality video. Cable must keep and maintain exceptional standards in the retransmission of DTV on cable. Failure to have quality video will adversely affect the public's acceptance of this new system.
5. Polar has no comment on defining Duplication.
6. Primary video should be that program material originated at the licensed station. A minimum should be produced locally.
7. Polar has no comment on ancillary and supplementary digital broadcast service.
8. The cable company should be allowed to place the digital broadcast in any tier within the system until 50% of the stations are broadcasting a minimum of 10 hours a day. At this time the DTV should be placed on a basic tier.
9. Polar has no comment on channel placement
10. If A/B switches will expand the availability of channels allowing more space for broadcast channels, we would encourage the Commission to adopt an A/B switch requirement.

In summary, if the Commission is serious about a quick transition to a DTV world then cable has to be integrated into this world. As an LPTV station operator the lack of cable has been a serious handicap. LOCKED OUT OF 68% of the market. Not enough potential TVHH to pull the rating points and make sales. Local business owners and ad agencies buyers are watching on cable. If you are not on cable, you don't exist in the mind of the ad buyer. Therefore if DTV is to be real in the public's mind, it has to be on cable.

In today's high tech world where most people can't set the clock on the VCR or program the VCR to record at a fixed time, the switching between DTV and NTSC needs to be simple for the consumer. It should be the same whether it is broadcast or cable.

Dated: October 13, 1998



Linda Trumbly, Secretary
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